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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 11 December 2006 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Greece to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and with reference to his note dated 1 November 2006, has the honour to submit the Greek national report (see annex).

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Annex to the note verbale dated 11 December 2006 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

Report by Greece

Submitted pursuant to paragraph 11 of
Security Council Resolution 1718
of 11 December 2006

Greece has the honour of informing the Security Council of the following steps taken with a view to implementing effectively the provisions of paragraph 8 of United Nations Security Council Resolution (UNSCR) 1718 of 14 October 2006.

According to Law 92/1967 on the implementation of United Nations Security Council Resolutions, any Resolution based on article 41 of the U.N. Charter: a) is published in the (state) Official Gazette by Ministerial Decision and b) is implemented through the issuance of a Presidential Decree. Such Decree further specifies the prohibitions provided for in the resolution. Any violation of the provisions of the aforementioned Presidential Decree is subject to imprisonment up to five years or to a fine or to both.

As far as UNSCR 1718 is concerned, the relevant Ministerial Decision has already been published (Official Gazette Issue A' 240, 14.11.2006) and the procedure for the issuance of the relevant Presidential Decree is under way

More Specifically, the implementation of the UNSCR 1718 **restrictions on the sale of** arms to the Democratic People's Republic of Korea (North Korea), the Greek government would like to inform on the following steps taken:

According to Article 3 of Greek Law 2168/1993 concerning the transfers of Arms it is prohibited without a specific license from the Ministry of Economy and Finance, after consultations with other competent Ministries, i.e. Ministry of Foreign Affairs, Ministry of Defense and Ministry of Public Order, to export weapons of any kind and defence related material. Article 3 applies to any situation where items are transferred from Greece to another country, including EU member states, regardless if the transfer takes place in relation to export, or re-export. Export licenses will not be issued to third countries violating UNSCR 1718. For transit and transhipment of the above noted items, a transit and transhipment license must be issued in accordance to article 4 of the same Law.

To date there is no legal basis which covers brokering activities for arms in Greece. As a result efforts are underway to amend and update Law 2128/1993 by including, among other things, legal provisions for brokering.

Furthermore, and in accordance to separate Ministerial Decisions issued by the Ministry of Economy and Finance, it is prohibited to transport weapons of any kind and defence-related material. to any country that is under a UN, EU, or OSCE arms embargo. A new Ministerial Decision concerning Korea is under publication.

Violation of the abovementioned rules is a criminal offence punishable by fine and/or imprisonment in accordance to specific articles of Law 2168/93.

The legal basis for control of **dual-use items** in Greece is EU Regulation 1334/2000. Through this Regulation and the control list (EU Regulation 394/2006) Greece controls the export of dual-use items listed by the various export control regimes. Applications for export license concerning products listed in UNSRC 1718, paragraph 8, (a), (ii) will not be approved. Applications for export license concerning other listed products will be considered with utmost vigilance.

According to the EU Regulation a license is required, if exporters have grounds for suspecting that certain exports may be related to WMD (1334/2000, art. 4, paragraph 5), even if the item is not listed in the EU Regulation control list (catch-all). Applications for export licenses concerning these cases will be considered with utmost vigilance.

The EU Regulation is supplemented by national legislation (Ministry of National Economy N.125695/E3/5695 25.10.2000)[1] describing the national administration of the Regulation, including penal sanctions in case of violation. This Ministerial Decision includes an amendment prohibiting **technical assistance** with regards to dual-use itemsespecially if these items can be associated in any way with WMD. (Technical assistance is defined as any technical support related to repairs, development, manufacture assembly, testing, maintenance or any other technical service, that may take form of as instruction, training, transmission of working knowledge or skills or consulting services).

The maximum penalty for offences related to this Decision is imprisonment and an unlimited fine. In case of aggravating circumstances and when the violation is related to WMD the offence is covered by the Criminal Code.

For a more detailed description of the Greek export control regime regarding weapons and defence related materials reference is made to Greece's reports to the 1540 Committee.

Regarding the restrictions on admission of **persons, entities and bodies** (that will be drawn up on a list by the UN) these restrictions will be implemented in accordance with existing legislation, which gives this authorisation to our Ministry of Public Order.

With regard to the **restrictive measures concerning sensitive goods and technology, luxury goods and the freezing of funds and economic resources** Greece participates actively in the ongoing negotiations within the European Union concerning the steps to be taken by the EU with a view to implementing effectively these provisions of paragraph 8 of resolution 1718.

[1] The Ministry of National Economy has been renamed to Ministry of Finance and Economy

In its conclusions adopted on 17 October 2006, the Council of the European Union confirmed that the EU would fully implement the provisions of all relevant UNSC Resolutions and notably of Resolution 1718 adopted on 14 October 2006 and of Resolution 1695 adopted on 15 July 2006. The Council stated that it would immediately take the necessary steps to that end.

The EU immediately initiated the preparation of legal instruments implementing the provisions of paragraph 8 of Security Council resolution 1718 (2006). Preparations are under way to adopt without delay a Council Common Position and a Council Regulation. Further information will be provided to the Security Council, once the Common Position and Regulation have been adopted.

Under general European law principles, a Council Regulation is directly applicable in Greece without the need for domestic implementing legislation. Nevertheless, Greece will carefully consider whether there is a need to take additional measures nationally, once the Council Common Position and the Council Regulation has been adopted.